

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 05 AUG 2004

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2004/000562

International filing date (day/month/year)
14.04.2004

Priority date (day/month/year)
14.04.2003

International Patent Classification (IPC) or both national classification and IPC
B27C1/12, B65G47/26

Applicant
COE NEWNESMCGEHEE ULC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, Inventive step and Industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000562

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000562

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-17
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

1. The subject-matter of claim 1 is unclear (Art. 6 PCT), because the claimed "infeed system" is not sufficiently defined by means of its own technical components. Instead, the definition includes method features, in particular a time necessary for adjusting cutting elements and/or guiding elements. The claim does not mention a technical definition of that time in relation with elements of the apparatus. Furthermore, neither planer with cutter elements nor any guiding means are part of the claimed apparatus.

In so far as the subject-matter can be understood, it is anticipated by known feed apparatuses, which are suitable for feeding workpieces to a planer (see **CA-A-2 247 065 (D2)**, paragraph bridging pages 10 and 11). Indeed, the claim regards merely

a feeding system comprising means for setting the size of gaps between successive workpieces in the array of workpieces being translated linearly into the planer.

Moreover, a controlled planer infeed apparatus such as in **US-A-5 417 265 (D1)**, **US-A-4 823 851 (D3)** or **EP-A-0 504 442 (D4)** is capable of feeding successive workpieces with the wanted gap therebetween.

2. The dependent apparatus claims do not clarify the subject-matter, but only introduce features which are known per se in such apparatuses: accelerating means (present in all these apparatuses), a choice among known types of transporters (claim 9), vague features such as "workpiece interrogation means", whereby it seems that sensors or scanners (see also **US-A-4 879 659 (D5)**) fall under the definition.
3. The subject-matter of claim 17 is unclear as well.
The two steps of the claimed method are:
- a) feeding a series of workpieces to the planer,
 - b) accelerating each workpiece to provide a gap between successive workpieces;

It should be noted that the method does not comprise any step of setting the cutting elements; therefore, since in the feeding methods of the prior art a gap and consequently a time between successive workpieces is present, the method is to be considered not new according to the PCT.